

MELINDA HAAG (CABN 132612)  
United States Attorney  
ALEX G. TSE (CABN 152348)  
Chief, Civil Division  
CLAIRE T. CORMIER (CABN 154364)  
Assistant United States Attorney  
150 Almaden Blvd., Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5082  
FAX: (408) 535-5081  
claire.cormier@usdoj.gov

Attorneys for Defendant, Penny S. Pritzker  
Secretary, Department of Commerce

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MATTHEW A. I. UA CRUADHLAOICH,

Plaintiff,

v.

PENNY S. PRITZKER, SECRETARY,  
U.S. DEPARTMENT OF COMMERCE,

Defendant.

Case No. C 12-02723 EDL

DEFENDANT'S ADMINISTRATIVE  
MOTION TO VACATE PRETRIAL  
CONFERENCE AND TRIAL DATES;  
DECLARATION OF CLAIRE T.  
CORMIER; ~~[PROPOSED]~~ ORDER  
[Local Rules 6-3 and 7-11]

Defendant's counsel emailed Plaintiff on February 13 and February 18, 2014 seeking Plaintiff's stipulation to the relief requested in this motion. Defendant's counsel has received no response.

On December 17, 2013, the Court adopted a schedule proposed by the parties with regard to responses to document requests, a potential motion to compel, and Defendant's summary judgment motion. The Court did not modify the dates for the pretrial conference or trial at that time. Had a motion to compel not been filed, Defendant's motion for summary judgment would have been heard on March 11, 2014. Instead, Plaintiff's motion to compel is now scheduled to be heard on that date, and the date of the hearing on Defendant's motion for summary judgment is uncertain. The case is currently scheduled for a pretrial conference on April 8, 2014, and trial is scheduled to commence on April 28, 2014.

Because it is not currently known what the result of the motion to compel will be or when Plaintiff will be required to respond to Defendant's motion for summary judgment, Defendant respectfully requests

1 that the Court vacate the currently scheduled dates for the pretrial conference and trial and that those dates  
2 be rescheduled, if necessary, after a ruling on Defendant's summary judgment motion.

3 Respectfully submitted,

4 Dated: February 24, 2014

MELINDA HAAG  
UNITED STATES ATTORNEY

/s/ Claire T. Cormier

6 By:

7 CLAIRE T. CORMIER  
Assistant U.S. Attorney

8 **DECLARATION OF CLAIRE T. CORMIER**

9 I, Claire T. Cormier, declare as follows:

10 1. I am an Assistant United States Attorney for the Northern District of California. This case  
11 has been assigned to me. The matters stated in this declaration are true of my own knowledge and, if  
12 necessary, I could and would competently testify to them.

13 2. On February 13 and again on February 18, 2014, I emailed Plaintiff seeking his stipulation to  
14 the relief requested in this motion. As of this writing, I have received no response from Plaintiff.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
16 and correct. Executed this 24th day of February, 2014, at San Jose, California.

17 /s/ Claire T. Cormier

18 CLAIRE T. CORMIER

19 **~~PROPOSED~~ ORDER**

20 Upon motion of the Defendant and good cause appearing, IT IS HEREBY ORDERED that the  
21 pretrial conference, currently scheduled for April 8, 2014, and the trial, currently scheduled for April 28,  
22 2014, are hereby VACATED. The Court will confer with the parties at or after upcoming motion  
23 hearings to reschedule those dates, if necessary.

24 Dated: Feb 28, 2014

25   
26 HON. ELIZABETH D. LAPORTE  
27 UNITED STATES MAGISTRATE JUDGE  
28